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## FISCAL IMPACT REPORT



SPONSOR: Tsosie DATE TYPED: 01/25/02 HB \_\_\_\_\_

SHORT TITLE: Tribal-State Cooperation SB 140

ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$125.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
Office of Indian Affairs (OIA)  
LFC files

### SUMMARY

#### Synopsis of Bill

Senate Bill 140 appropriates \$125.0 from the general fund to the Administrative Office of the Courts for the purpose of continuing development of tribal-state judicial relationship and understanding.

#### Significant Issues

1. *Overview.* During the last four years, there has been judicial cooperation on the jurisdiction and sovereignty of the state and the twenty-two Indian nations, tribes and pueblos located in New Mexico as they impact state and tribal court actions regarding child abuse, juvenile justice, custody, divorce and domestic violence.

Through the work of the tribal-state judicial consortium, judges and other participants have an opportunity to learn about each other's courts, laws, customs and values. Improved relationships help ensure more efficient and more culturally relevant interactions and services

while respecting the sovereignty of the Indian Nations. Acknowledging the sovereignty of Indian Nations through the judicial system will make it easier for other state and tribal public systems and services to work together and coordinate their services, particularly in those areas where children and families are involved.

2. Office of Indian Affairs. In requesting an analysis from the Office of Indian Affairs, the agency replied that this bill and the consortium have no fiscal or administrative impact on the Office of Indian Affairs.
3. Performance Data. No statistics or information were provided to the LFC by the AOC or the Office of Indian Affairs regarding the progress that has been made in the last four years between tribal and state court staff, the enhanced judicial relationships and how they have affected either court system.

### **FISCAL IMPLICATIONS**

The appropriation of \$125.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY03 shall revert to the general fund.

Since 1998, the tribal-state judicial consortium has been actively meeting on a regular basis using a small amount of private start-up funding that was applied for and received by the Administrative Office of the Courts in 1997. These funds were for the purpose of supporting efforts to develop and to enhance judicial relationships between tribal and state court staff. These funds are now exhausted.

Although not outlined in the bill, the AOC states that the appropriation would provide for the following personnel and services:

- Salary and benefits for a half-time staff attorney position to conduct legal research related to issues of jurisdiction and sovereignty, focusing on child abuse and neglect, domestic relations, custody issues, juvenile justice, and domestic violence;
- Support ongoing expenses of tribal-state judicial consortium efforts which include convening regular meetings (Tribal-State Judicial Consortium) and other opportunities (Cross-Court Cultural Exchanges) to build and enhance cooperation between and understanding of tribal and state judicial systems and agency services;
- Fund and convene regional and statewide training workshops regarding the implementation and better understanding of the federal Adoption and Safe Families Act (ASFA) requirements, the state Children's Code requirements, the Indian Child Welfare Act (ICWA), and other laws that affect children and families;
- Support technical assistance, research assistance and information dissemination in the areas of jurisdiction and sovereignty, focusing on child abuse and neglect, domestic relations and custody, juvenile justice, and domestic violence to tribal and state.

### **ADMINISTRATIVE IMPLICATIONS**

The consortium is an outgrowth of the Supreme Court's State Court Improvement Project (CIP) which has, as one of its initiatives, improving the relationship between the state's judiciary and the 22 sovereign tribal court systems in the state.

Members of the Tribal-State Judicial Consortium include seven judges from various state courts (one Supreme Court justice, four District Court judges, one Metropolitan Court judge and one Magistrate Court judge) appointed by the New Mexico Supreme Court, plus seven tribal court judges (representing various pueblos, the Mescalero Apache tribe and the Navajo Nation) appointed by the New Mexico and Colorado Indian Court Judges Association. In addition, many "interested parties" are invited to attend consortium meetings. A state court judge and a tribal court judge serve as co-chairs. Both the Supreme Court and the Indian Court Judges Association have endorsed the mission and goals of the consortium.

### **TECHNICAL ISSUES**

If SB140 includes funding for a position, the bill needs to indicate the appropriate FTE.

CMH/ar